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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/029,087      | 12/20/2001  | Alan B. Shuey        | 010071              | 3407             |

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EXAMINER  
RODRIGUEZ, RUTH C

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
| 3677     |              |

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                       |  |
|------------------------------|--------------------------------------|---------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/029,087 | <b>Applicant(s)</b><br>SHUEY, ALAN B. |  |
|                              | <b>Examiner</b><br>Ruth C. Rodriguez | <b>Art Unit</b><br>3677               |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 20-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \*   c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The declaration under 37 CFR 1.132 filed on 17 January 2006 is insufficient to overcome the rejection of claims 20-22 based upon Facey et al. in view of Pasbrig as set forth in the last Office action because: The declaration submitted by Mr. James R. Moon provides speculative arguments against having a release lever fixed to the wedge means. The argument that only one person will have the tool to release the wedge means fails to be relevant. The other arguments such as the additional manufacturing costs, risk of failure due to breakage of lever, risk of failure due to dirt and debris, risk of canting, the use of a separate tool such as pliers that might be required to move the release lever, "a person of ordinary skill in the art would have no motivation to combine Facey and Pasbrig" and "a person of ordinary skill in the art knowing the above would not find Applicant's claimed invention obvious over Facey in view of Pasbrig" are considered speculative. The declaration fails to provide any factual evidence that supports the assertions being made against the inclusion of a release lever fixed to the wedge means. The declaration is insufficient to overcome the rejection of claims 20-22 based upon Facey et al. in view of Pasbrig in view of its speculative nature and the lack of concrete evidence that establishes that Facey et al. and Pasbrig.

2. Claims 20-23 are rejected under the doctrine of Res Judicata based on the appeal's decision made on 31 August 2005 by the Board of Patent Appeals and Interferences to affirm the rejection of Facey et al. in view Pasbrig and the rehearing's decision made on 17 November 2005 by the Board of Patent Appeals and Interferences to affirm the rejection of Facey et al. in view Pasbrig.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Facey et al. (US 6,003,210) in view of Pasbrig (US 4,889,320).

Facey discloses a releasable cable grip connector (23) locking a cable segment (20) within a housing. The cable grip connector comprises a housing (27), a channel (26A,26B) and a wedge means (25A 25B). The housing has a first bore therethrough (24A) to receive a first cable segment and a second bore (24B) therethrough parallel to the to the first bore to receive a second cable segment (Figs. 1a, 2a, 2b and 3-8b). The first and second bores have a diameter that permit freely passing the first and second cable segments through the bores (Figs. 1a, 2a, 2b and 3-8b). The first and second bores are straight throughout the extent of the housing (Figs. 1a, 2a, 2b and 3-8b). The

channel within the housing is disposed to one side of the first bore and acutely inclined to and, at its inner end, breaking into the first bore (Fig. 8). The wedge means positioned within the housing in the channel and spring-loaded by a coil spring (31A, 31B) to bias the wedge means against the cable segment within the first bore to wedge the cable segment against the first bore and thereby grip the cable segment (C. 1, L. 8-20). The coil spring that spring loads the wedge is positioned axially within the channel so that the force generated by the coil spring acts at all times in an axial direction (Fig. 8). Facey utilizes a tool (35) to free the cable. Facey fails to disclose using a release lever extending through a slot in the body to release the cable grip. However, Pasbrig teaches a releasable cable grip connector locking a cable segment (16) within a housing (1). The cable grip connector comprising wedge means (5,5'',9), a release lever (6,6'',9',9'') and a housing (1) with a bore (15), a channel (2) and a slot (27). The channel is disposed to one side of the first bore and acutely inclined to and, its inner end, breaking into the bore (Figs. 1-7). The wedge means is positioned within the housing in the channel and spring loaded by a coil spring (4,4') to bias the wedge means against the first bore and thereby grip the cable segment (Figs. 1-7). The coil spring that spring loads the wedge means is positioned axially within the channel so that the force of the generated by the core spring acts at all times in an axial direction (Figs. 1-7). The slot in the housing extends parallel to the channel and to the coil spring within the channel and communicates with the channel (Figs. 1a-7). The release lever is fixed to the wedge means and extends through the slot to the outside of the housing whereby the release lever may be utilized to move the wedge against the force of the coil spring

the cable segment and permits movement of the cable segment relative to the first bore (C. 2, L. 7-16 and Figs. 1a, 2a, 2b and 3-7). The release of the cable is simplified because the release lever transmits the unclamping force, which that acts against the force of the spring, directly to the wedge means (C. 2, L. 11-13). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a release lever according to the teaching of Pasbrig in the each of the bores of the cable grip of Facey. Doing so as mentioned above, will facilitate the release of the cable because the release force will be directly applied to the release lever in order to move the wedge means against the bias of the spring. The releasable cable grip connector disclosed by Facey uses a tool to release the cable segment, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to have a release lever connected to the wedge means to replace the tool of the Facey connector as taught by Pasbrig because the release lever will be integrally connected to the housing and readily available when it is needed instead of needing a separate tool to release the wedge means where the tool may become lost.

Pasbrig also teaches that:

The wedge means has a release lever extending outwardly from each side of the roller means through respective slots in opposite sides of the housing (Figs. 1-7).

Pasbrig also teaches that the roller means has a single release lever extending outwardly of the roller means through the slot in the housing (Figs. 1-7).

The second bore within the housing disclosed by Facey permits the second cable segment to move freely within the second bore when the tool disclosed by Facey or a

release lever as taught by Pasbrig is used to move the wedge means, against the force generated by the coil spring, that wedges against the cable segment disposed in the second bore.

### ***Conclusion***

All claims are drawn to the same invention claimed in the original prosecution and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the original prosecution. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Knoche (US 1,165,785), Pasbrig (US 3,628,221 and US 4,889,320), Moransais (US 3,709,071), Wagner (US 3,939,594), Natkins (US 6,131,969), European Patent Document EP 0 013 693 A1, Swiss Patent Document 634 249 A5 and British Patent Document GB 2 210 517 A are cited to show state of the art with respect to releasable cable grips having some of the features of the current application.

Heisser (US 1,832,388), Werterkamp (US 4,878,270) and Macias (US 5,548,873) is cited to show state of the art with respect to a cable grip connector having two bores. One bore allows free passage of a cable segment and the other bore releasably secures another segment of the cable.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase the patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as PTO's mailroom processing and delivery time. For a complete list of correspondence **not** permitted by



facsimile transmission, see MPEP § 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee that the applicant is paying by check **should not be** submitted by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP § 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to  
the Patent and Trademark Office (Fax No. (571) 273-8300) on     (Date)    .

\_\_\_\_\_  
(Typed or printed name of person signing this certificate)

\_\_\_\_\_  
(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP § 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response has been transmitted by facsimile will cause further unnecessary delays in the processing of your application, duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

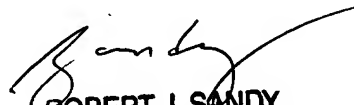
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Art Unit: 3677

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth C. Rodriguez  
Patent Examiner  
Art Unit 3677

rcr  
February 3, 2006

  
**ROBERT J. SANDY**  
**PRIMARY EXAMINER**